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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Wing P. Leung

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ROPES & GRAY LLP

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EXAMINER

SHANG, ANNAN Q

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/033,532	<b>Applicant(s)</b> LEUNG ET AL.	
	<b>Examiner</b> ANNAN Q. SHANG	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 10-28 and 30-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 10-28 and 30-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/30/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/30/08 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 10-28 and 30-45 have been considered but are moot in view of the new ground(s) of rejection. The amendments to the claims necessitated the new ground(s) of rejection discussed below. This office action is non-final.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 10-28 and 30-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Knee et al (5,589,892)** as applied to claim 1 above, and further in view of **West et al (5,550,575)**.

As to claim 1, note the **Knee** reference figs. 39+, discloses EPG schedule system and method with data feed access and further discloses a method and apparatus of exercising access control over a television program (figs.7 and 39+), the method comprising the steps of:

A television display (fig.1, TV 27);

A tuner (Tuner 28) for receiving a plurality of television programs and passing one of the television programs; A memory (448) for storing a blocking override list comprising information relating to at least one television program and an enable override list comprising information relating to at least one television program (col.5, line 36-col.6, line 17);

A user via Remote Controller (RC) 31 or Main Control Unit, inputs a password for a master mode of operation (fig.6-10, Premium Services or channels mode; col.20, line 61-col.21, line 35, col.22, line 25-col.23, line 36);

For a first mode of operation (Non-premium channels or favorite channel) different from the master mode: entering a blocking criterion for blocking a television program from being accessed by a user in the first mode of operation, entering an unblocking criterion for unblocking a blocked television program to permit, without providing the password, access to the blocked TV program by a user in the first mode of operation if the blocked program meets the unblocking criterion (col.24, lines 25-34,

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col.27, line 56-col.29, line 47 and col.30, lines 50-67); note that in favorite or preference channels limits access to only these channels, blocks other channels; Knee blocks by locks and further suggests that other parameters, time of the day, day of the week, credit limit may be included; and for a second mode of operation different from the master mode:

Selecting one or more programs for access by the user in the second mode of operation, and permitting only the selected programs to be accessed in the second mode without providing the password, to exclusion of all other programs being telecast (selecting favorite or preference channels blocks other channels col.27, line 56-col.29, line 47 and col.30, lines 50-67), note that the master can modify the favorite or preference lists at anytime for multiple users the system limits tuning to only the preference or favorite listing without requiring a password.

Knee further teaches various blocking criterion, i.e., using locks, time of the day, week, credit limit, etc., (col.24, lines 25-34), but silent as to entering an unblocking criterion for unblocking a blocked TV program/channel in the various modes (non-premium, multiple favorite listings, etc., without providing a password, access to blocked TV program.

However, note the West reference discloses setting up various favorite channel list a child or children and further teaches permitting viewing only within a predetermined time period (day, week, month, etc.,) or time limit (blocking criteria using time) without require a password (col.3, line 57-col.4, line 5, col.10, line 66-col.11, line 16 and col.13, line 30-col.15, line 1+).

Hence it would have been obvious to one skill in the art to incorporate the teaching of West into the system of Knee to provide additional access control means, e.g., permitting viewing of the favorite programs within a specific time period(s), thereby limiting viewing to predetermining time period(s) of the day, week, month, etc.

As to claim 10, Knee further discloses where the password, is established by a first-time user (col.23, lines 3-36 and cool.24, lines 48-58).

As to claims 11-12, Knee fails to explicitly teach where the password can be changed by a user when in the master mode and where the password can be changed by repeatedly entering an incorrect password for a predetermined number of times and confirming the repeatedly entered password at the end of the entering step.

However, note the West reference figs 4-5, discloses a viewer discretion TV program control system and further teaches creating new password for the user if the primary password is forgotten (col.12, line 15-col.13, line 1+).

Therefore it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate the teaching of West into the system of Knee to assist a user to change their password if a primary user forgets their password in order to allow the parent or the primary user to still have the ability to reset the parental control device even if the parent or primary user forgets their password.

As to claims 13-14, Knee fails to explicitly teach where the master mode of operation remains in effect until a TV configured to display the TV program is turn off, the user exits the master mode or a time delay expires and denying access to a TV

configured to display the TV program until the password is properly entered, after a power outage.

However, West further discloses where the master mode of operation remains in effect until a TV configured to display the TV program is turn off, the user exits the master mode or a time delay expires and configuring the display to display TV program until a password is properly entered after power off (col.7, lines 29-40, col.11, line 36-45 and col.14, lines 17-65).

Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teaching of West into the system of Knee to enable the system to reprogrammed itself to the original settings after the parent overrides the parental control settings thereby prevent the child from watching the overridden program or ratings.

As to claims 15-16, Knee further discloses where the blocking and overriding criteria are entered in a normal TV picture viewing mode, by tuning to a TV program and activating an on-screen menu and where the blocking and overriding criteria are entered in a guide mode using an on-screen menu activated from a program schedule guide (col.23, lines 3-36, col.24, line 48-col.25, line 11 and col.27, lines 21-43).

Claim 17 is met as previously discussed with respect to claim 1.

Claims 18-19 are met as previously discussed with respect to claims 15-16.

As to claim 20, Knee further teaches inputting a parental control level extracting a parental control rating from the TV signal carrying the selected program, comparing the

rating with the parental control level and blocking the selected program if its rating falls below the parental control level (col.22, line 25-col.24, line 1+).

As to claims 21-23, Knee further discloses where one of the criteria is blocking or overriding a blocked TV channel or TV program, where the blocking or overridden TV channel or program is marked in a parental control review list and where the entering the criteria comprises editing the parental control review list with respect to channel, date, time and length (col.23, lines 3-36, col.24, line 48-col.25, line 11 and col.27, lines 21-43).

Claim 24 is met as previously discussed with respect to claims 15-16.

Claim 25 is met as previously discussed with respect to claims 1.

As to claim 26, Knee fails to explicitly teach restoring the criterion after the user is no longer in the master mode.

However, West further discloses restoring the criterion after the user is no longer in the master mode (col.7, lines 29-40, col.11, line 36-45 and col.14, lines 17-65).

Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teaching of West into the system of Knee to enable the system to reprogrammed itself to the original settings after the parent overrides the parental control settings thereby prevent the child from watching the overridden program or ratings.

As to claims 27-28 and 30, the claimed "An apparatus for parental control of television..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1, but Knee fails to explicitly teach restoring the criterion



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after the user is no longer in the master mode and where the master mode of operation remains in effect until the TV is turn off, the user exits the master mode or a time delay expires and entering various time periods for blocking TV programs from being access.

However, West further discloses restoring the criterion after the user is no longer in the master mode and where the master mode remains in operation until the parent exits the mode or the program time expires and entering various time periods for blocking TV programs from being access (col.7, lines 29-40, col.11, line 36-45 and col.14, lines 17-65).

Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teaching of West into the system of Knee to enable the system to reprogrammed itself to the original settings after the parent overrides the parental control settings thereby prevent the child from watching the overridden program or ratings and further to set additional time period(s) for accessing TV programs.

As to claims 31-32, the claimed "A method of exercising access control over a television using a parental control user interface..." is composed of the same structural elements that were discussed with respect to the rejection of claims 27-28.

As to claim 33, the claimed "A method of exercising access control over a television using a parental control user interface..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claims 34-35, the claimed "A method of exercising access control over a television using a parental control user interface..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claims 36-37, the claimed "A method of exercising access control over a television using a parental control user interface..." is composed of the same structural elements that were discussed with respect to the rejection of claims 27-28.

As to claim 38, the claimed "An apparatus for parental control of television..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claim 39, the claimed "An apparatus for parental control of television..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claim 40, Knee further discloses selecting a program for access by a user not in the master mode, determining whether the selected program is blocked from access, prompting the user to enter the password if the selected program is blocked from access, and unblocking the selected program for access, if the user enters the password responsive to the prompt (col.23, line 3-col.25, line 10 and col.27, line 16-col.28, line 5)

Claims 41-45 are met as previously discussed with respect to claim 40.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brian et al (5,548,345) discloses video viewing supervision system.

Johnson et al (Re. 36,988) disclose terminal authorization method.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/

Primary Examiner, Art Unit 2623

**Annan Q. Shang**